

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GENLYTE THOMAS GROUP LLC,
a Delaware Limited Liability Company

Plaintiff,

v.

ARCHITECTURAL LIGHTING SYSTEMS, a
division of ARCH LIGHTING GROUP, a
Rhode Island Corporation

Defendant.

Civil Action No. 05-CV-10945 REK

JOINT 26(f) REPORT ON DISCOVERY PLAN AND SCHEDULE

Pursuant to Fed.R.Civ.P. 16(b) and 26(f), a meeting was held between counsel for Plaintiff Genlyte Thomas Group LLC (“Genlyte Thomas”) and Defendant Arch Lighting Group, Inc. (“ALS”) by telephone on August 12, 2005.

The parties hereby report on that meeting and set forth the following regarding a discovery plan and schedule for this case.

1. Rule 26(a) Disclosures

The parties agree to exchange Rule 26(a)(1) disclosures within ten (10) days following the filing of this Discovery Plan and Schedule.

2. Discovery Subjects and Procedures

Discovery will be needed in this patent case on the subjects of infringement, validity, and enforceability of the patents-in-suit, claim interpretation, and damages.

Discovery should not be conducted in phases or limited to or focused on particular issues.

3. Discovery Event Limitations

Limitations on depositions will be in accordance with Fed.R.Civ.P. 30. Requests for production of documents and things should be limited to 120 requests for each side. Interrogatories should be limited to 50 interrogatories, including subparts, for each side. Requests for admission should be limited to 50 requests for each side with the exception of requests for admission directed to authenticating documents.

4. Proposed Scheduling

The parties have not wholly agreed upon a schedule for this case. Plaintiff believes that *Markman* Briefing and a *Markman* Hearing will aid the Court in construing the claim terms at issue. The Defendant does not believe that a separate process is necessary for claim interpretation and proposes that the Court construe the claims of the patent as necessary to decide any motions for summary judgment and/or to instruct the jury. The schedules proposed by the Plaintiff and Defendant are separately set forth below:

Item	Plaintiff's Proposal	Defendant's Proposal
Motions to Amend Pleadings to add claims or parties	September 15, 2005	September 15, 2005
Filing of initial <i>Markman</i> Briefs	October 10, 2005	N/A
Filing of responsive <i>Markman</i> Briefs	November 10, 2005	N/A
Parties ready for <i>Markman</i> Hearing	December 1, 2005	N/A
Close of Fact Discovery	March 31, 2006	March 31, 2006
Parties to serve expert reports on any issues at to which the parties have the burden of proof	March 31, 2006 or 30 days after the Court issues the <i>Markman</i> decision, whichever is later	March 31, 2006

Parties to serve expert reports on any issues as to which the parties do not have the burden of proof	April 28, 2006, or 60 days after the Court issues its <i>Markman</i> decision, whichever is later	April 28, 2006
Close of expert discovery	May 26, 2006, or 90 days after the Court issues its <i>Markman</i> decision, whichever is later	May 26, 2006
Filing dispositive motions ¹	June 30, 2006, or 120 days after the Court issues its <i>Markman</i> decision, whichever is later	June 30, 2006
Parties will be ready for a Pretrial Conference	September 1, 2006, or 180 days after the Court issues its <i>Markman</i> decision, whichever is later	September 1, 2006
Parties will be ready for Trial	October 1, 2006 or 210 days after the Court issues its <i>Markman</i> decision, whichever is later	October 1, 2006

5. Other

The parties do not consent to trial by a Magistrate Judge at this time.

The parties do not desire ADR at this time.

Attached hereto are Certifications signed by counsel and authorized representatives of their clients in compliance with Local Rule 16.4.

¹ The parties believe that the particular circumstances of this case are such that many issues are susceptible to early disposition by summary judgment. Their present intention is to file motions for summary judgment, as appropriate, prior to this deadline

Respectfully submitted,
GENLYTE THOMAS GROUP LLC

By Its Attorneys,

/s/ John L. Capone

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Dated: September 8, 2005

Respectfully submitted,
ARCHITECTURAL LIGHTING SYSTEMS

By Its Attorneys,

/s/ Brett N. Dorny

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Dated: September 8, 2005

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CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 16.1

Pursuant to Local Rule 16.1, Plaintiff Genlyte Thomas Group LLC (“Genlyte Thomas”) and its counsel hereby certify that they have conferred with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation, and to consider the resolution of the litigation through the use of alternative dispute resolution, including those outlined in Local Rule 16.4.



GENLYTE THOMAS GROUP LLC

By: Daniel R. Fuller



James E. Milliman (*pro hac vice*)

James R. Higgins, Jr. (*pro hac vice*)

Robert J. Theuerkauf (*pro hac vice*)

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*Counsel for Plaintiff, Genlyte Thomas
Group LLC*

Date: September ^{8th}8, 2005

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DEFENDANT'S RULE 16.1(d)(3) CERTIFICATION

Pursuant to Local Rule 16.1(d)(3), Defendant, Arch Lighting Group, Inc., submits the following certification:

Defendant and its counsel have conferred (a) with a view to establishing a budget for the costs of conducting the full course, and various alternative courses, of the litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

ARCH LIGHTING GROUP, INC.


Scott A. Davis
President

LAW OFFICE OF BRETT N. DORNY
Attorneys for Arch Lighting Group, Inc.


Brett N. Dorny

Dated: August 31, 2005